

**Amendment No. 2 to SB1228**

**Ketron**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1228\***

**House Bill No. 2219**

by deleting all language after the enacting clause of the introduced bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 4, is amended by adding Sections 2 through 7 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Orphaned Information Technology Recovery Act".

SECTION 3. As used in this part, unless the context otherwise requires:

(a) The definitions of the Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (SB 1537 / HB 1163) shall apply to this part.

(b) A covered device is "orphaned" under this part if the manufacturer of that covered device no longer manufactures or sells covered devices or does not have a recovery plan under the Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (SB 1537 / HB1163).

SECTION 4. Any person who submits a bid or proposal for a contract with a state agency for the purchase or lease of covered devices must be in compliance with the Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (SB 1537 / HB1163).

SECTION 5. A state agency that purchases or leases covered devices shall require each prospective bidder to certify compliance with the Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act (SB 1537 / HB1163). Failure to provide such certification shall render a bidder or proposer ineligible for award of the contract.

SECTION 6. In considering bids or proposals for state contracts for covered devices, in

addition to any other preferences provided elsewhere under state law, the state shall give special preference to manufacturers that have programs to collect and recover covered devices that are orphaned, including but not limited to collection events, recycling grants, and manufacturer initiatives to take back any covered device brand with purchase.

SECTION 7. The department of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 8. The department of general services is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 9. This act shall take effect January 1, 2008, the public welfare requiring it.